



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

TACOMA SCHOOL DISTRICT NO. 10

Plaintiff,

vs.

WEA-TACOMA; LYNN MACDONALD;
JESSICA UPTON; WILLIAM BAILEY;
TACOMA EDUCATION ASSOCIATION;
JOHN ANDREW COONS, individually and
as Tacoma Education Association's President;
JUDY ALIA, ADRIENNE DALE, PATRICK
PARIS, FRANCIS FLEISCHMANN, JOYCE
ELS, SARA ERICKSON, MARILYN
O'MALLEY-HICKS, PATRICIA LEO, and
CAROL LOWENSTEIN, individually and as
TACOMA EDUCATION ASSOCIATION'S
EXECUTIVE BOARD; ROBERT ALINE,
PATRICIA ALBERT, ANN MCPARTLON,
ANGEL MORTON, VERONICA MUNYAN,
JOHN SOLBERG, and DEBORAH
STERBICK, and all other persons in active
concert or participation with any of the above-
named defendants,

Defendants.

Case No.: 11-2-13530-1

ORDER SETTING SHOW CAUSE
HEARING AND NOTICE OF CONTEMPT
PROCEEDINGS

ORDER SETTING SHOW CAUSE HEARING AND
NOTICE OF CONTEMPT PROCEEDINGS- 1

CASE NO.: 11-2-13530-1

1 This matter came before the Court on September 16, 2011, on for a review hearing on
2 the Parties compliance with the Court's Temporary Restraining Order of September 14, 2011.
3 The Court affirmed that its prior Temporary Restraining Order stands and that a showing has
4 been made that the named defendants and all members of the Tacoma Education Association
5 ("TEA") have been provided notice of the existence of the Temporary Restraining Order. It
6 also appears that it appears that some or all of the named defendants and all other persons in
7 active concert or participation with any of the above-named defendants are not in compliance
8 with the terms of the Temporary Restraining Order.

9 NOW, THEREFORE, IT IS HEREBY ORDERED:

10 1. All of the named individually named Defendants shall appear in Courtroom 2B
11 of the Pierce County Superior Court on September 27, 2011 at 9:00 am to show cause as to
12 why they should not be held in contempt of court for:

- 13 a. engaging in, encouraging, or lending support or assistance of any nature to
14 strike, work stoppage, or slowdown against the District;
- 15 b. coercing any persons to refuse to discharge their normal or substitute duties
16 for the District;
- 17 c. interfering with the free ingress and egress of the District's agents,
18 employees, and students, or other authorized persons, to and from the
19 schools and other facilities operated by the District; and
- 20 d. taking unjustified sick, personal, or other leave in concert with or in aid of
21 any strike, work stoppage, or slowdown

22 And with the exceptions of Defendants Parish, Leo, Lowenstein and Ells, why they failed to
23 report for work and to discharge their assigned employment responsibilities in accordance with
24 the school calendar and individual employment contracts as of the date of the issuance of the
25 Court's Temporary Restraining Order of September 15, 2011 on and/or after September 16,
26 2011. Sanctions may be assessed retroactively against any individual found to have been in
27 knowing violation in these provisions of the Court's Temporary Restraining Order.

28
ORDER SETTING SHOW CAUSE HEARING AND
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1 2. The Court shall further schedule individual contempt hearings as the Court
2 deems appropriate at the conclusion of the contempt proceedings involving the named
3 defendants. The Court shall enter additional show cause orders to be served upon individual
4 TEA Members as identified by the plaintiff school district and as the Court may direct on
5 specific dates. Each individual TEA Member so identified shall show cause as to why they
6 should not be held in contempt of court for violation of this Court's Temporary Restraining
7 Order for failing to appear gfor work as directed by the Court. Sanctions may be assessed
8 retroactively against any individual found to have been in knowing violation in these
9 provisions Court's Temporary Restraining Order.

10 3. Notice of this Order shall be provided to all of the individually named
11 Defendants by and through notice upon its counsel of record Tyler Firkins. Notice of the
12 to TEA members allegedly not in compliance with the
13 subsequently issued show cause orders shall be served in accordance with state law. The
14 Temporary Restraining Order shall be provided by
15 District and TEA shall both post this Order on their respective websites and the TEA shall
16 first class regular mail be Order and authorization
17 provide notice of this Order by sending an "email blast" to all of its members. of this court

18 4. The District and TEA shall both submit to the Court by no later than September
19 26, 2011 all copies of any proposal made by either side during the course of negotiations of the
20 collective bargaining agreement for the District's nonsupervisory certificated staff, the
21 collective bargaining agreement for the District's office professionals, and the collective
22 bargaining agreement for the District's office and professional technical employees. To the
23 extent that either party had previously agreed to maintain the confidentiality of such proposals,
24 either through mutual agreement or because of any contract or mediation agreement, both
25 sides, through their undersigned counsel below mutually waive and release the other from the
26 same.

27 5. The TEA and the WEA-Tacoma shall both produce and file with the Court any
28 and all bank, credit union, or other financial institution records for any account in which they
29 maintain any financial interest, including any account under the name of either TEA and the
30 WEA-Tacoma but not excluding any account not under the name of either TEA and the WEA-
31 Tacoma where either entity retains a financial interest by no later than September 26, 2011.

ORDER SETTING SHOW CAUSE HEARING AND
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6.

The TEA and WEA-Tacoma shall both also produce and file with the Court current financial statements for each entity by no later than September 26, 2011. The items to be produced pursuant to this paragraph may be filed with the Court and served upon the District under seal. The District hereby agrees not to disseminate any information obtained through a filing and service made under seal to any persons not a party to this case. By this Order this Court directs to the Clerk of the Court to file such documents under seal in accordance to General Rule 15.

SMN
DEC

7. The Defendants are not to use access to the list of TEA members allegedly not in compliance with the

temporary restraining order to harass, coerce, bully, cause property damage to or otherwise harm the TEA members. THE FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN

FURTHER COURT ACTION INCLUDING THE IMPOSITION OF REMEDIAL SANCTIONS. Merem fail not at your peril.

DATED THIS 19 DAY OF SEPTEMBER, 2011.

FILED
DEPT. 4
JAN 19 2011
COUNTY CLERK
DEPUTY

The Hon. Bryan Chushcoff
Pierce County Superior Court Judge

Presented by:

County Clerk
DEPUTY

Shannon M. McMinimee WSBA #34471
Attorney for Plaintiff
Tacoma School District No. 40

Tyler Firkins WSBA #20964
Attorney for Defendant
Tacoma Education Association

who were and are in compliance with the TRO. Any actions by the named Defendants and all other persons in active concert or participation with any of the named Defendants and all other persons in active concert or participation with any named Defendants to use access to such list to coerce, bully, cause property damage to or otherwise harm TEA members in compliance with the TRO will result in further sanctions.

DEC